



DEPARTMENT OF THE NAVY
BOARD FOR CORRECTION OF NAVAL RECORDS
2 NAVY ANNEX
WASHINGTON DC 20370-5100

TJR
Docket No: 8221-98
11 May 2000

[REDACTED]

Dear [REDACTED]

This is in reference to your application for correction of your naval record pursuant to the provisions of Title 10, United States Code, Section 1552.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 25 April 2000. Your allegations of error and injustice were reviewed in accordance with administrative regulations and procedures applicable to the proceedings of this Board. Documentary material considered by the Board consisted of your application, together with all material submitted in support thereof, your naval record, and applicable statutes, regulations, and policies.

After careful and conscientious consideration of the entire record, the Board found the evidence submitted was insufficient to establish the existence of probable material error or injustice.

The Board found you reenlisted in the Navy on 9 April 1993 after more than 10 years of active service. Your record reflects that you served without incident until 1 February 1996, then you received nonjudicial punishment (NJP) for fraternization. The record reflects that while married and serving as a recruiter you entered into a dating and sexual relationship with a female member of the Delayed Entry Program. The punishment imposed was forfeitures totalling \$1,348.80, half of which was suspended for six months, and reduction to paygrade E-4.

Subsequently, you were processed for an administrative separation by reason of misconduct due to commission of a serious offense. An administrative discharge board found misconduct but recommended retention in the Navy. However, on 18 June 1996, the Assistant Secretary of the Navy (Manpower and Reserve Affairs) approved the recommendation of the Chief of Naval Personnel to disapprove the ADBs recommendation and directed a general discharge under honorable conditions. On 28 June 1996 you were so discharged and assigned an RE-4 reenlistment code.

The Board, in its review of your entire record and application, carefully weighed all potentially mitigating factors, such as your contention that you would like your discharge upgraded and your reenlistment code changed so that you may enlist in the guard and/or reserve. However, the Board concluded these factors were not sufficient to warrant recharacterization of your discharge or a change of your reenlistment code given the serious nature of your misconduct. Further, an RE-4 reenlistment code is required when an individual is discharged by reason of misconduct. Given all the circumstances of your case, the Board concluded your discharge and reenlistment code were proper as issued and no change is warranted. Accordingly, your application has been denied.

The names and votes of the members of the panel will be furnished upon request.

It is regretted that the circumstances of your case are such that favorable action cannot be taken. You are entitled to have the Board reconsider its decision upon submission of new and material evidence or other matter not previously considered by the Board. In this regard, it is important to keep in mind that a presumption of regularity attaches to all official records. Consequently, when applying for a correction of an official naval record, the burden is on the applicant to demonstrate the existence of probable material error or injustice.

Sincerely,

W. DEAN PFEIFFER
Executive Director